

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**July 22, 2020**

The Highland Board of Zoning Appeals met on the Zoom Platform, Meeting ID: 94088974428, Password: 317525, on July 22, 2020 at 6:30 p.m. Central Time (US and Canada). Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Thomas.

**ROLL CALL:** Present online were Board Members Mr. Martini, Mr. Grzymiski, Mr. Helms, Mr. Thomas and Mrs. Murovic. Also present was Building Commissioner/Zoning Administrator, Mr. Ken Mika.

**MINUTES:** The minutes of the June 24, 2020 meeting were approved as posted.

**ANNOUNCEMENTS:** The next meeting of the Board of Zoning Appeals to be August 26, 2020 at 6:30 p.m.

**COMMUNICATIONS:** None

**Old Business: None**

**New Business: John Immerfall, 2707 Eder Street, Highland, IN 46322, Seeking a Variance to construct a front deck extending 9 feet beyond the front build, exceeding the maximum allowed amount of 6 feet by a total of 3 feet. {HMC 18.050.060} (G) (5) (a) 2, (G) Bulk Regulations (5) Permitted obstructions in required yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) in all yards. 2 not including terraces or decks which project into the required front yard by more than 6' from the front of the principal structure.**

Mr. Reed confirmed he had reviewed the petitioner's Proofs of Publication and that they were in compliance with IC 5-3-1 and that they had been published in the NWI Times on June 11, 2020. Mr. Reed also confirmed that the woman attending the meeting with John Immerfall, Ms. O'Rourke, also gave permission as the owner of the home to proceed with the hearing. She confirmed that she did give permission.

Mr. John Immerfall introduced himself and explained that they would like to build a deck that would exceed the allowed extension of 6' by 3', with the total being 9' past the most forward most point of the south side of their property. He went on to say that this would allow them to transition from the front door to the driveway where there is a high-point of their property. He said the reason this was important was because they have an 89 year-old in their care and living in the home. He went on to say that when there are heavy rains in

their area, it tended to flood in the back yard of their home and out by the street. He explained that they need a safe way to transit from the front door to the driveway, so they can move her in and out of the home to travel to doctor's appointments and such things. They need the deck to safely transition from the home to the car and back without her having to walk through water, ice or whatever else may be the case. He explained that where the stairs landed is the sweet spot in the driveway that remains dry, so it would prevent any slips or falls. He said this spot also allows a nice wide area so that emergency services could easily maneuver in and out in the future and have a straight line to the house. He also stated that they had done their research and this design would be in keeping with the neighborhood and it would help the property values in the area.

At this point, the meeting had to recess because the petitioner's equipment was failing and the Board members could not hear him clearly. The petitioner traveled to the Town Hall to join Mr. Mika's connection. Mr. Martini made the motion to recess. Mr. Helms seconded, and the recess was approved with a 5 – 0 roll call vote.

Mrs. Murovic re-opened the meeting. Mr. Immerfall continued with his petition and explained that his mother-in-law was the reason for the deck being built. He went on to explain that it was for her safety, being 89, and they needed to transition her from the house to the car and remain dry in the process. He also said she was having a hard time navigating the steps in the back of their home and getting into the car, so they wanted to make the process easier for her and build the front deck. He went on to say that they would only be building the deck on the east portion of the home, and not on the west portion. He also stated that the stairs would not project more than the additional 3' they were asking for, or a total of 9'. He also said that the footings were not adequate and that the existing deck was not done well and they wanted it to be built right and to be safe. Mr. Immerfall and Mr. Mika pointed out that the photos that were sent to the Board were all from the Assessor's site. Mr. Immerfall pointed out that all the materials used would be new and safe. The deck he plans to build would be safe, wide, open and fast when his mother-in-law needed emergency service, which they knew would be needed in the future.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she brought the meeting back to the Board. Mr. Martini asked Mr. Immerfall if he felt the mother could still be moved safely if the deck met the criteria and only extended the 6'. Mr. Immerfall said that he had been researching the deck for a while and has observed that the only safe spot for the stairs to be and the best access to the house would be what he was asking for, and a total of 9' beyond the build line. He also said he didn't want twists or turns and wanted it to be a straight shot for emergency workers to access the house and front door. He wanted it to be safest for all involved. Mrs. Murovic asked if it was necessary for the deck to be 15' wide. Mr. Immerfall replied that was so the deck would be brought all the way out to the driveway, which would make the access easiest from house to driveway. She asked why it should extend to the west. He explained that part of the deck was existing and they were building off of that. He also added that they were asking for stairs, but would possibly be asking for permission to add a ramp in the future if they find it is needed for additional safety precautions. They were willing to make whatever modifications deemed necessary to keep

all involved as safe as possible. He concluded by saying that emergency workers will be called, that it wasn't an if, but a when. He didn't want that day to come, have the workers get tangled in the back stairs and an accident occur. He knew they would be to blame because they didn't plan ahead. They wanted to make sure they were ready for the situation. He also stated that the outward appearance of the home would be more attractive with the addition of the new porch, rather than an eyesore. He added that the stairs would not extend beyond the total 9' that he was asking for.

Mr. Reed asked what will happen to the existing concrete walkway. Mr. Immerfall replied that it would be covered. Mr. Reed then asked if, in the future, the deck could be removed and brought back to its' current state. Mr. Immerfall said that the deck will be an improvement and increase the dollar value. He didn't feel that possibility would ever be an issue. He felt that they or any owner would want the deck to stay as a permanent fixture and they never thought of it as a temporary solution.

Mrs. Murovic asked if the elderly individual in the home worsened and needed a wheelchair rather than the current walker she was using, was this proposed deck a good fix for the issue. Mr. Immerfall responded that he felt it was the best solution. If his mother-in-law's conditioned did get to that point, they would be looking more at in-home care rather than the regular doctor visits that are occurring at this time and the need to transport her would lessen.

Mr. Helms stated he felt that there was an immediate hardship for the petitioner and at the same time they could have an attractive and beautiful deck. He also stated he didn't feel anyone would consider it to be temporary and that it would not be an eyesore. Mr. Immerfall stated that the deck would be built well, look attractive and serve an important function.

Mr. Helms motioned that the Board grant the variance for the deck as presented to the petitioner for the additional 3' extension beyond the build line, including the steps. Mr. Grzymiski seconded and the motion passed with a roll call vote of 4 – 1.

**BUSINESS FROM THE FLOOR: None**

**ADJOURNMENT: Motion: Mr. Grzymiski Second: Mr. Martini Time: 7:14 p.m.**